

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Jerel Marquis Heriot,

Plaintiff,

v.

Tre Thompson, Nelson Rosario, Leshawn
Darnell Green, Derrick Wade, Jacob
Dennis Jr., Monica Jezzrica Dennis,
Melted Whiskey Bar,

Defendants.

Case No.: 3:21-cv-2217-SAL

ORDER

This matter is before the court for review of the August 8, 2021 Report and Recommendation (the “Report”) of United States Magistrate Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 11.] In the Report, the Magistrate Judge recommends that this action be summarily dismissed with prejudice because Plaintiff’s amended complaint did not cure the deficiencies in his original complaint. *Id.* The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 8. Plaintiff did not file objections to the Report, and the time to do so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the

Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 11, and incorporates the Report by reference herein. As a result, this action is **DISMISSED** with prejudice.

IT IS SO ORDERED.

February 15, 2022
Florence, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge